



## McIntosh Lawyers, PC

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U.S. Court of International Trade  
U.S. Court of Appeals Federal Circuit  
U.S. District Court  
U.S. Court of Appeals  
U.S. Supreme Court

### **EQUITABLE DISTRIBUTION GENERAL CONSIDERATIONS**

Equitable distribution is the process in which marital property is equitably divided among the parties. Generally speaking, marital property is all property acquired from the date of marriage to the date of separation with certain exceptions. The following are examples of marital property:

1. All property acquired by either party during the marriage, no matter whose name the property is in.
2. The increase in value, until the date of final separation, of non-marital property acquired by gift or inheritance.
3. The increase in value of property owned prior to the marriage or property acquired in exchange for property owned prior to the marriage until the date of final separation.

The following are examples of non-marital property:

1. Property acquired before marriage or property exchanged for premarital property.
2. Property excluded by agreement.
3. Property acquired by gift, except between spouses or inheritance.
4. Property acquired after final separation, except where there has been an exchange for marital property.
5. Property which has been sold, conveyed or otherwise disposed of in good faith and for value prior to the date of separation.
6. Certain veterans' benefits.
7. Property to the extent that it has been mortgaged or encumbered in good faith and for value, prior to the date of final separation.
8. Payments received as a result of an award or settlement for a cause of action which occurred before the marriage or after the date of final separation.

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